THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7905 of 1997

21-02-2007

Between:-

M. Parappa and two others.

Petitioners

And

Andhra Pradesh Residential Educational Institutions Society
(Regd.,) Hyderabad rep., by its Secretary and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7905 of 1997

Oral order:

The petitioners seek regularization in the post of Junior Lecturers from the dates of their initial appointment as temporary Junior Lecturers in the substantive category of Post Graduate Teachers (for short 'PGT') and in furtherance of the proposals sent up in this behalf.

The three petitioners were initially appointed as Trained Graduate Teachers in the respondent-society on 16-07-1987;
25-09-1985 and 30-06-1987 respectively. They were thereafter promoted as PGTs on 03-11-1989; 30-05-1989 and 04-11-1989 respectively. In 1990, the respondent-society started a Junior College and following the time

tested incoherent management practices, no efforts to fill up the faculty of college on a regular basis drafting regulations for the purpose, were made. The Junior College was regular, but the faculty was *adhoc*. To cater to this vacuum in the faculty, the respondent-society drafted PGTs as Junior Lecturers on a temporary basis to its junior college on the basis of an option exercised by such PGTs. This was in 1990. In 1996, the petitioners were regularly appointed as Junior Lecturers under a recruitment scheme of the society whereby 50% of the posts of Junior Lecturers are to be filled by direct recruitment and the other 50% by drawing from the cadre of PGTs. In the 50% quota earmarked for drawal of PGTs, the petitioners were regularized in 1996 by proceedings dated 24-09-1996.

The writ petition is filed claiming regularization from 1990. The petitioners do not vouchsafe any legal principle for such extraordinary benefit claimed. They were deputed to function in the Junior College in their substantive capacity as PGTs.

The faculty positions in educational institutions run by the respondent-society are funded by the State out of the taxpayers' money. Public servants, whether from the Secretariat of Andhra Pradesh or in the management of the respondent-society are just public servants. They are bound by constitutional and legal requirements, which are integral to the control and devolution of public funds.

Public offices funded out of the public exchequer can only be filled up by a transparent process and under rules or regulations which ensure and guarantee equal opportunities to all citizens subject to prescribed qualifications and eligibility to compete to public offices. Clandestine recruitment methods conferring nepotistic or uncanalised discretionary opportunities for persons in power are a heresy of the rule of law. It is not the province of this court to issue directives, which subvert the constitutional principle.

As the petitioners' functioning in 1990 as Lecturers in the Junior College was in their substantive capacity as PGTs and without following a rational and transparent method of recruitment by advertisement or under any regulation which governs the recruitment to these posts in the Junior Colleges, the petitioners have no claim in law for regularization since 1990. They were already regularized in 1996. Their claim for retrospective regularization is unsustainable as is the writ petition. The writ petition is accordingly dismissed, particularly in view of the law declared in SEC. STATE OF KARNATAKA & ORS., v. UMADEVI & 3 ORS.,[1]. No costs.

GODA RAGHURAM, J

Dated:21-02-2007
Pvks/*

[1] . 2006 (4) SCC 1